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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/778,661	02/06/2001	Glenn H. Rankin	10003011-1	5477

7590 09/18/2002

AGILENT TECHNOLOGIES
Legal Department, 51U-PD
Intellectual Property Administration
P.O. Box 58043
Santa Clara, CA 95052-8043

EXAMINER

CHANG, AUDREY Y

ART UNIT	PAPER NUMBER
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2872

DATE MAILED: 09/18/2002

Please find below and/or attached an Office communication concerning this application or proceeding.



UNITED STATES DEPARTMENT OF COMMERCE
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09/778,661

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT	PAPER
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5

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Commissioner of Patents and Trademarks

Please see the attached pages for indicating the non-responsive amendment.

Audrey Y. Chang
Primary Examiner
Art Unit: 2872

DETAILED ACTION

Remark

- This Office Action is in response to applicant's amendment filed on July 8, 2002, which has been entered as paper number 4.
- By this amendment, claims 1-16, and 19-22 have been amended, claims 17-19 have been canceled and claims 23-41 have been newly added.
- Claims 1-16 and 19-41 remain pending in this application.

Response to Amendment

x202
1. The reply filed on July 8, 2002 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): the amendment does not fully address the issues concerning originally present claims. Please see the reasons stated below. See 37 CFR 1.111. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).**

Election/Restrictions

2. Newly submitted claims 23-41 and newly amended claims 1-16 and 19-22 are directed to an invention that is independent or distinct from the **invention originally claimed** for the following reasons:

Group I: Claims 1-16 and 19-23 have been amended to recite a *vertical cavity surface emitting laser*,

Group II: Claims 24-41 (newly submitted) are drawn to *semiconductor optical filter*, that are patently distinct from the original subject matter concerning *optical cavity*.

Art Unit: 2872

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits.

✓ Accordingly, claims 1-16 and 23-41 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Audrey Y. Chang whose telephone number is 703-305-6208. The examiner can normally be reached on Monday-Friday (8:00-4:30), alternative Mondays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cassandra Spyrou can be reached on 703-308-1637. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-7722 for regular communications and 703-308-7722 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

Audrey Y. Chang
Primary Examiner
Art Unit 2872

A. Chang, Ph.D.
September 16, 2002

